

---

**EXHIBIT 1**

**THE REALITY  
OF INTENTIONAL JOB DISCRIMINATION IN  
METROPOLITAN AMERICA – 1999**

**ALFRED W. BLUMROSEN**

Thomas A Cowan Professor of Law, Rutgers Law School,  
Director, Intentional Discrimination Project, Rutgers Law School

**RUTH G. BLUMROSEN**

Adjunct Professor of Law, Rutgers Law School,  
General Advisor, Intentional Discrimination Project, Rutgers Law School

This study was supported by a grant from the Ford Foundation to Rutgers University.

The views expressed are those of the authors,  
not necessarily those of the Foundation or the University.

---

<b>ABOUT THE AUTHORS</b>
--------------------------

**§1. PROF. ALFRED W. BLUMROSEN**

ALFRED W. BLUMROSEN is the Thomas A. Cowan Professor of Law, Rutgers, the State University of New Jersey, specializing in Labor and Employment law. He received his BA and JD degrees from the University of Michigan, and has taught at Rutgers Law School since 1955. In 1965, he studied the enforcement of the New Jersey Civil Rights Law in "Anti-Discrimination Laws in Action in New Jersey: A Law-Sociology Study." 19 Rutgers Law Review 187. Beginning in 1965, he assisted in organizing the EEOC and served as its first Chief of Conciliations and Director of Federal State Relations, a Special Attorney in the Civil Rights Division, U.S. Department of Justice, Consultant to Assistant Secretary of Labor for Employment Standards Arthur Fletcher (OFCCP) 1969-71; Acting Director, Michigan Civil Rights Commission, 1972, organized programs on the 10th and 20th anniversaries of the Civil Rights Act, 1975 and 1984; consultant to EEOC Chair Eleanor Holmes Norton, 1977-79 concerning Guidelines on Employee Selection Procedures, Affirmative Action Guidelines. In 1995, he advised the U.S. Department of Labor concerning the "affirmative action-reverse discrimination" controversy, and reviewed programs of the EEOC for the Citizens Commission on Civil Rights. In 1998 he received a grant from the Ford Foundation to investigate the extent of current intentional employment discrimination.

He was Of Counsel to Kaye, Scholer, Fierman, Hays & Handler, (New York, NY) 1979-1982 advising employers on equal opportunity matters; Counsel to NAACP in *Wards Cove Packing Co. v. Atonio*, 109 S.Ct. 2115 (1989) [concerning the interpretation of Title VII of the Civil Rights Act] and in *NAACP v. Meese*, 615 F. Supp. 200 (D.D.C) 1985) [seeking injunction against rescission of consent decrees involving affirmative action]; Counsel to mainly white female employees challenging a discriminatory layoff in *Chrapliwy v. Uniroyal*, 670 F.2d 760 (7th Cir. 1982) cert. denied, 103 S. Ct. 2428 (1983), and counsel to the mainly white male employees, seeking equal pay in *Klask v. Northwest Airlines*, 57 FEP Cases 1147, 1152 (D. Minn. 1989, 91).

He has written MODERN LAW: THE LAW TRANSMISSION SYSTEM AND EQUAL EMPLOYMENT OPPORTUNITY, (1993,

---

University of Wisconsin Press); **BLACK EMPLOYMENT AND THE LAW** (1971, Rutgers University Press), and numerous law review articles, including "Strangers in Paradise: Griggs v. Duke Power Co. and the Concept of Employment Discrimination." (1972) which has been cited by the U. S. Supreme Court in two decisions. His essay "Six Conditions for Meaningful Self Regulation" was awarded the Ross Prize by the American Bar Association in 1983. In 1993, he was a Fulbright Scholar in South Africa, where he examined whether U.S. equal employment experience would be useful in the post-apartheid period. In 1995, he was a resident scholar at the Rockefeller Institute Conference and Study center in Bellagio, Italy.

---

## §2. PROF. RUTH G. BLUMROSEN

RUTH GERBER BLUMROSEN is adjunct Professor of Law at Rutgers Law School, Newark New Jersey, and former associate Professor at Rutgers Graduate School of Management. She received her BA and Law degrees from the University of Michigan. She assisted in the establishment of the U.S. Equal Employment Opportunity Commission in 1965, where she was acting director of compliance. She was consultant to EEOC Chair Eleanor Holmes Norton in 1979-80, concerning guidelines under the Equal Pay Act and wage discrimination issues, U.S. EEOC, Hearings on Job Segregation and Wage Discrimination. She participated in development of EEOC policy statement on impact of layoffs on minorities and women. She was consultant on Equal Employment Opportunity, U.S. Department of Health and Human Services, 1980-81; Advisor, New Jersey Commission on Sex Discrimination in the Statutes, prepared analysis of state pay practices which was basis for action by Governor's Task Force on Equitable Compensation, 1974-77, a member and Hearing Officer, New Jersey Governor's Committee on minority and female opportunities in state contracting, 1991-93. In 1993, she was a Fulbright Scholar in South Africa, examining whether U.S. equal employment experience would be useful in the post-apartheid period. In 1995, she was a resident scholar at the Rockefeller Institute Conference and Study center in Bellagio, Italy. She has published in the field of wage discrimination including Wage Discrimination, Job Segregation and Title VII of the Civil Rights Act of 1964, 12 University of Michigan Journal of Law Reform 397 (1979), cited by U.S. Supreme Court in *County of Washington v. Gunther*, 452 U.S. 161 (1981); Wage Discrimination, Job Segregation: The Survival of a Theory, 14 Univ. of Michigan Journal of Law Reform 1 (1981); Wage Discrimination Revisited, 8 Women's Rights Law Reporter 109 (1984); Remedies for Wage Discrimination, 20 Univ. of Mich. Journal of Law Reform, 99, (1986). She has also written on the concept of work sharing as alternative to layoffs, and the use of unemployment compensation to facilitate part time employment. She is co-author of Downsizing and Employee Rights, 50 Rutgers Law Review 943 (1998). She has litigated under New Jersey Anti-Discrimination laws in the case which established the federal constitutionality of state fair housing laws (*Levitt v. New Jersey*, 31 N.J. 514, 363 U.S. 418 (1960)), and has represented male flight attendants denied their rights under the Equal Pay act in *Klask v. Northwest Airlines*, 57 FEP Cases 1147, 1152 (D. Minn. 1989, 91).

---

<b>ACKNOWLEDGEMENTS</b>
-------------------------

Donald Dale (Assistant Professor, Muhlenberg College) and Stacy Dale (Consultant) prepared the statistical computations, provided the statistical tables on which the analysis was based, and the Technical Appendix.

Steven Blumrosen provided computer expertise and editing assistance.

Lynn Walker Huntley, President, Southern Education Association, made the project possible.

The Ford Foundation provided financial assistance and human support.

The Rutgers Law School faculty and staff in Newark provided us with wonderful education and support for more than forty five years.

The University of Michigan provided an extraordinary learning environment, particularly at the Michigan Daily and the Law School, that has been the foundation of our work.

The Russell Sage Foundation supported an interdisciplinary experiment between the Law School and the Sociology Department of Rutgers in the 1950's that is reflected in this study. The Rockefeller Foundation provided a thoughtful month in Belagio where some of these ideas germinated.

The thousands of men and women involved in the implementation of Title VII of the Civil Rights Act of 1964 on all sides of all issues, whose lives we shared.

The millions of men and women whose efforts made the Civil Rights Act of 1964 and its implementation an evolving achievement of American democracy.

DEDICATION
------------

To the memory of all those who shared in the adoption of  
the Northwest Ordinance of 1787 that prohibited slavery  
and provided that “schools and the means of education  
shall forever be encouraged.”

## TABLE OF CONTENTS

### §3. SUMMARY TABLE OF CONTENTS

#### PART I REPORT ON THE NATION

CHAPTER 1	INTRODUCTION: AN OVERVIEW OF INTENTIONAL JOB DISCRIMINATION
CHAPTER 2	THE FOUNDATIONS OF THIS STUDY
CHAPTER 3	THE SENSE OF REALITY CONCERNING JOB DISCRIMINATION
CHAPTER 4	THE EEO-1 DATA BASE
CHAPTER 5	MEASURING AND PROVING INTENTIONAL JOB DISCRIMINATION
CHAPTER 6	INTENTIONAL DISCRIMINATION DEMONSTRATED BY STATISTICS
CHAPTER 7	THE FOUR DEGREES OF INTENTIONAL DISCRIMINATION
CHAPTER 8	ANTICIPATING EXPLANATIONS FOR LIMITED EMPLOYMENT OF MINORITIES OR WOMEN

#### PART II THE NATIONAL PORTRAIT OF VISIBLE INTENTIONAL JOB DISCRIMINATION

CHAPTER 9	MINORITIES AND WOMEN
CHAPTER 10	BLACKS, HISPANICS, ASIANS, NATIVE AMERICANS
CHAPTER 11	DISCRIMINATION AGAINST BLACKS
CHAPTER 12	DISCRIMINATION AGAINST HISPANICS
CHAPTER 13	DISCRIMINATION AGAINST ASIAN-PACIFIC ORIGIN WORKERS
CHAPTER 14	DISCRIMINATION AGAINST WOMEN - A MORE DETAILED ANALYSIS
CHAPTER 15	DISCRIMINATION BY INDUSTRIES - FORTY AND TWO HUNDRED SIX
CHAPTER 16	AFFIRMATIVE ACTION, REVERSE DISCRIMINATION AND THE STATISTICAL- LEGAL METHODOLOGY OF THIS STUDY
CHAPTER 17	CONCLUSIONS AND RECOMMENDATIONS
APPENDIX A -	EEO-1 INSTRUCTIONS AND FORM
APPENDIX B -	SIC CODES
APPENDIX C -	TECHNICAL APPENDIX

---



## **§4. FULL TABLE OF CONTENTS FOR PARTS I & II**

### **PART I REPORT ON THE NATION**

#### **CHAPTER 1 INTRODUCTION: AN OVERVIEW OF INTENTIONAL JOB DISCRIMINATION**

- §1. *Basic Findings*
- §2. *The Objectives Of This Study*
- §3. *The Materials Studied – “Visible” Workers Identified By Employers*
- §4. *Past Failures – A Bi-Partisan Story*
- §5. *The Source Of The Data For The Study*
- §6. *Endnotes*

#### **CHAPTER 2 THE FOUNDATIONS OF THIS STUDY**

- §1. *Measuring And Evaluating Equal Employment Opportunity*
- §2. *The Basic Methodology Of This Study*
- §3. *The “Sore Thumb” Analysis Describes Reality – It Is Not A “Fair,” “Neutral,” Or “Non-Discriminatory” Approach.*
- §4. *Endnotes*

#### **CHAPTER 3 THE SENSE OF REALITY CONCERNING JOB DISCRIMINATION**

- §1. *A Statistical Setting for Individual Stories about Discrimination.*
- §2. *Perceptions of Reality*
- §3. *The Reality Revealed by Employer Reports*
- §4. *Improvement In Minority/ Female Job Opportunities – 1975-1999*
- §5. *Endnotes*

#### **CHAPTER 4 THE EEO-1 DATA BASE**

- §1. *Accounting for Establishments That Failed to File EEO-1 Reports.*
- §2. *Accuracy and Reliability of the EEO-1 Statistics.*
- §3. *Applying Standard Statistical Principles to the Data to Identify Intentional Discrimination Under Supreme Court Decisions in Employment Discrimination Matters.*
- §4. *Endnotes*

#### **CHAPTER 5 MEASURING AND PROVING INTENTIONAL JOB DISCRIMINATION**

- §1. *Professional Standards Applicable to Management's Employment Decisions*
- §2. *Intentional Discrimination under the Civil Rights Acts of 1964 and 1991.*
- §3. *Using statistical evidence comparing establishments*
- §4. *Statistical significance*
- §5. *The Average or Mean Used as a “Benchmark” to Evaluate Establishments*
- §6. *Applying the Law to the Benchmark*
- §7. *Endnotes*

#### **CHAPTER 6 INTENTIONAL DISCRIMINATION DEMONSTRATED BY STATISTICS**

- §1. *The Consequences of the Two Standard Deviation Rule*
- §2. *Identifying the Numbers of “Affected Workers” Where Discrimination is Found.*
- §3. *Numbers Are Not Quotas.*
- §4. *Endnotes*

#### **CHAPTER 7 THE FOUR DEGREES OF INTENTIONAL DISCRIMINATION**

- §1. *Hard Core Discriminators.*
- §2. *Clearly Visible Discriminators.*
- §3. *Presumed Discriminators.*
- §4. *At Risk Discriminators.*
- §5. *Summary*
- §6. *Endnote*

#### **CHAPTER 8 ANTICIPATING EXPLANATIONS FOR LIMITED EMPLOYMENT OF MINORITIES OR WOMEN**

- §1. *“It happened by chance.”*
  - §2. *Labor markets differ in the participation of minorities/ women.*
  - §3. *An employer may require different types of worker skills than its peers.*
-

- §4. *There are no qualified minority/female workers in the job category.*
- §5. *Residential segregation and transportation difficulties may account for low utilization.*
- §6. *Minority/female employees are not available for work.*
- §7. *Other employers have absorbed all qualified minorities/women in our labor market.*
- §8. *Minorities/females did not apply or do not want to do this kind of work.*
- §9. *The employer was inattentive to the race/sex composition of the workforce.*
- §10. *The MSA data covers a much larger area than that from which an employer may recruit, and thereby gives misleading information.*
- §11. *It is unreasonable to expect employers to stop all other hiring or promotion until they reach the average utilization of minorities and women.*
- §12. *Endnotes*

## **PART II THE NATIONAL PORTRAIT OF VISIBLE INTENTIONAL JOB DISCRIMINATION**

### **CHAPTER 9 MINORITIES AND WOMEN**

- §1. *Discriminating Establishments And Affected Workers*
- §2. *Identifying The Gender/Race/Ethnic Interaction In the EEO-1 Labor Force*
- §3. *The Probability That A Minority Or Woman Will Face Discrimination When Seeking An Employment Opportunity In An Occupation Because Of Race, Sex Or Ethnicity*
- §4. *Highlights of the Table*
- §5. *Intentional Job Discrimination Against Minorities And Women By Size Of Establishment*
  - A. Minorities
  - B. Women
- §6. *Enforcement Implications Of Tables 3 And 4*
- §7. *The Incidence Of Discrimination By Industries*
- §8. *Intentional Discrimination Against Minorities And Women By Degrees – Hard Core, Clearly Visible, Presumed And At Risk*
  - A. HARD CORE DISCRIMINATORS  
32,958 MINORITY WORKERS  
240,908 WOMEN WORKERS
  - B. CLEARLY VISIBLE DISCRIMINATORS  
359,220 MINORITY WORKERS  
324,924 WOMEN WORKERS
  - C. PRESUMED DISCRIMINATORS  
74,087 MINORITY WORKERS  
62,563 WOMEN WORKERS
  - D. "AT RISK" DISCRIMINATORS.  
MINORITY WORKERS  
WOMEN WORKERS
- §9. *Endnotes*

### **CHAPTER 10 BLACKS, HISPANICS, ASIANS, NATIVE AMERICANS**

- §1. *Discriminating Establishments And Affected Workers*
- §2. *Minorities In The Eeo-1 System.*
- §3. *Highlights of table concerning individual minority groups*
- §4. *The Probability of Discrimination by Occupational Classification*
  - A. Blacks
  - B. Hispanics
  - C. Asian Pacific
  - D. Native Americans
- §5. *Endnotes*

### **CHAPTER 11 DISCRIMINATION AGAINST BLACKS**

- §1. *Improvement In Job Opportunities For Black Workers Since 1964.*
  - §2. *Intentional Discrimination In 1999*
  - §3. *Background Of This Study*
  - §4. *The Varieties Of Intentional Discrimination*
    - A. AT RISK DISCRIMINATORS.
    - B. PRESUMED DISCRIMINATORS.
    - C. CLEARLY VISIBLE DISCRIMINATORS.
    - D. HARD CORE DISCRIMINATORS.
-

## Table of Contents

---

§5.	<i>THE RISK OF DISCRIMINATION AGAINST BLACKS BY OCCUPATION</i>
§6.	<i>THE INCIDENCE OF DISCRIMINATION AGAINST BLACKS BY INDUSTRIES</i>
§7.	<i>Analysis of Ranking by number of affected Black workers</i>
§8.	<i>CRATERS IN THE PLAYING FIELD — Proportion of Comparisons showing discrimination.</i>
§9.	<i>Conclusion</i>
§10.	<i>Endnotes</i>
CHAPTER 12 DISCRIMINATION AGAINST HISPANICS	
§1.	<i>Improvement in Job Opportunities for Hispanic Workers Since 1964.</i>
§2.	<i>Continued Discrimination Against Hispanic Workers</i>
§3.	<i>BACKGROUND OF THIS STUDY</i>
§4.	<i>INTENTIONAL DISCRIMINATION</i>
	A. AT RISK DISCRIMINATORS.
	B. PRESUMED DISCRIMINATORS.
	C. CLEARLY VISIBLE DISCRIMINATORS.
	D. HARD CORE DISCRIMINATORS.
§5.	<i>The Risk Of Discrimination Against Hispanics By Occupation</i>
§6.	<i>The Incidence Of Discrimination Against Hispanics By Industries</i>
§7.	<i>Analysis Of Industry Ranking By Number Of Affected Hispanic Workers</i>
§8.	<i>Craters In The Playing Field – Proportion Of Comparisons Showing Discrimination Against Hispanics</i>
§9.	<i>Conclusion.</i>
§10.	<i>Endnotes</i>
CHAPTER 13 DISCRIMINATION AGAINST ASIAN-PACIFIC ORIGIN WORKERS	
§1.	<i>Improvement in Job Opportunities for Asian Pacific Workers Since 1964.</i>
§2.	<i>Continued Discrimination Against Asian Pacific Workers</i>
§3.	<i>Background Of This Study</i>
§4.	<i>The Varieties Of Intentional Discrimination</i>
	A. AT RISK DISCRIMINATORS.
	B. PRESUMED DISCRIMINATORS.
	C. CLEARLY VISIBLE DISCRIMINATORS.
	D. HARD CORE DISCRIMINATORS.
§5.	<i>The Risk Of Discrimination Against Asian Pacific Workers By Occupation</i>
§6.	<i>The Incidence Of Intentional Job Discrimination Against Asian-Pacific Workers By Industry</i>
§7.	<i>Analysis of Industry Ranking by Number of Affected Workers.</i>
§8.	<i>Craters In The Playing Field – Proportion Of Comparisons Showing Discrimination Against Asian Pacific Workers</i>
§9.	<i>Conclusion</i>
§10.	<i>Endnotes</i>
CHAPTER 14 DISCRIMINATION AGAINST WOMEN - A MORE DETAILED ANALYSIS	
§1.	<i>Improvement in Job Opportunities for Women Since 1964.</i>
§2.	<i>Intentional Discrimination Against Women in 1999.</i>
§3.	<i>Discriminating Establishments and Affected Workers</i>
§4.	<i>The Probability That A Woman Will Face Discrimination When Seeking An Employment Opportunity In An Occupation Because Of Sex — The “Glass Ceiling”</i>
§5.	<i>Continued Concentration Of Women In Office And Clerical Positions.</i>
§6.	<i>Background Of This Study</i>
§7.	<i>Intentional Discrimination</i>
§8.	<i>The Incidence Of Discrimination Against Women By Industries</i>
§9.	<i>Analysis of ranking by number of affected Women workers.</i>
§10.	<i>Craters in the playing field—Proportions of comparisons showing discrimination</i>
§11.	<i>Endnotes</i>
CHAPTER 15 DISCRIMINATION BY INDUSTRIES — FORTY AND TWO HUNDRED SIX	
§1.	<i>The Forty Industries that discriminate extensively against Women, Blacks, Hispanics and Asians.</i>

---

Table of Contents

---

§2.	<i>The Two Hundred and Six industries that discriminate extensively against Women, Black and Hispanic workers.</i>
CHAPTER 16 AFFIRMATIVE ACTION, REVERSE DISCRIMINATION AND THE STATISTICAL-LEGAL METHODOLOGY OF THIS STUDY	
§1.	<i>Has "The Most Obvious Evil" Faded Away?</i>
§2.	<i>Remembrance Of Things Present</i>
§3.	<i>Who Are the Beneficiaries of Discrimination Against Minorities?</i>
§4.	<i>Can the Methodology of This Study Identify Reverse Discrimination?</i>
§5.	<i>Can Our Methodology Be Modified To Identify "Reverse Discrimination"?</i>
§6.	<i>Supreme Court Precedents Suggest A Role for Statistics in Identifying "Reverse Discrimination."</i>
CHAPTER 17 CONCLUSIONS AND RECOMMENDATIONS	
§1	<i>Conclusions</i>
§2	<i>Recommendations</i>
APPENDIX A – EEO-1 INSTRUCTIONS AND FORM	
APPENDIX B – SIC CODES	
APPENDIX C - TECHNICAL APPENDIX	

---

---

<b>EXECUTIVE SUMMARY</b>
--------------------------

---

Intentional discrimination was “the most obvious evil” that the Civil Rights Act of 1964 was designed to prevent. Is intentional discrimination still a potent force restricting job opportunities for women and minorities? Or, is it what University of California Regent Ward Connerly suggested in 1998, “Black Americans are not hobbled by chains any longer. We’re free to compete. We’re capable of competing. It is an absolute insult to suggest that we can’t.”<sup>1</sup> Which is it: a “level playing field,” or an uphill struggle for women and minorities against intentional job discrimination that favors whites/males?

This question is answered in a four year, 1,400 page study of the race color and sex of employees in large and mid sized private business establishments – **THE REALITIES OF INTENTIONAL JOB DISCRIMINATION IN METROPOLITAN AMERICA – 1999**, by Rutgers Law School Professor Alfred W. Blumrosen and adjunct Professor Ruth G. Blumrosen. Supported by a grant from the Ford Foundation to Rutgers University, the study is based on employers’ annual reports to the Federal Government involving 160,000 establishments employing 37 million workers. It involved a computer analysis of these reports combined with Supreme Court and Congressional rules to identify “patterns and practices” of intentional job discrimination of the Supreme Court and Congress.

In 1991, Congress confirmed that intentional discrimination exists when “race, color, religion, sex or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.”<sup>2</sup> “Intent to discriminate” is not the equivalent of “evil motive,” where a personal wish or desire to oppress women or minorities is the *only* explanation for the harm done. If an employer has both a legitimate reason for its practices and also a discriminatory reason, it is engaged in intentional discrimination.

The study found that intentional job discrimination continues on a major scale. Blacks, Hispanics, Asian Pacific workers and White Women who have the knowledge, skills, abilities, and experience to compete are deprived of that opportunity by intentional discrimination between a quarter and a third of the time they seek such opportunities.

- In 1999, intentional discrimination affected two million minority and female workers. It exists in every region of the country, in each of nine occupational categories from officials and managers to labor and service jobs.
-

- 
- Seventy five thousand establishments discriminated intentionally against 1.3 million minorities; while 60,000 establishments discriminated intentionally against 952,000 women. Despite the persistence of intentional discrimination, the majority of establishments did not appear to engage in it. As a result, minorities and women have increased their participation in the labor force and in their proportion in better paying jobs.
  - Forty industries were “equal opportunity discriminators” -- discriminating against 75% of the Blacks, Hispanics, Asian-Pacific workers and White women who were affected. The top ten of these industries were Hospitals, Eating and Drinking Places, Department Stores, Grocery Stores, Nursing and Personal Care Facilities, Computer and Data Processing Services, Hotels and Motels, Telephone Communications, Commercial Banks and Motor Vehicles and Equipment Manufacturing.
  - Medical, Drug and Health related industries alone accounted for 20% of Women, Blacks, Hispanics and Asian Pacific workers affected by discrimination.
  - Ninety percent of the affected workers were subjected to discrimination that was so severe that there was only one chance in 100 that it occurred by accident. That is far more than enough to trigger a legal presumption of intentional job discrimination.
  - Between one third and one half of this discrimination was caused by “hard core” establishments that had been discriminating for at least nine years.

## **§5. BACKGROUND OF THE STUDY**

Private employers of 100 or more employees and government contractors of 50 or more employees have been required to file annual reports, called EEO-1 reports, since 1966 with the U.S. Equal Employment Opportunity Commission and the Department of Labor. The study obtained computerized versions of these reports from the EEOC with the names and identifying addresses of employers expunged to preserve employer confidentiality. The statistics only identify the state and Metropolitan Statistical Area in which establishments are located.

Intentional job discrimination was identified by examining establishment reports in each metropolitan area by industry. Within each industry, nine occupational categories were examined separately. In this way, the average utilization of men and women, Blacks, Hispanics and Asians in each industry and occupational category within each metropolitan area was obtained. Establishments that were so far below the average utilization of minorities or women that it was

---

unlikely to have occurred by chance, stood out “like sore thumbs” in this analysis. They are presumed by law to be intentional discriminators under legal rules developed since 1977. In that year, the Supreme Court explained that a statistical imbalance, “is often a telltale sign of purposeful discrimination.... In many cases the only available avenue of proof is the use of racial statistics to uncover clandestine and covert discrimination...” In law suits, employers would have the opportunity to show that the statistics were inaccurate or that they had only good reasons for the abnormally low utilization, a burden that is difficult to satisfy. The study suggests that most establishments facing these statistics would settle rather than litigate.

Workers affected by this discrimination were measured by the difference between the number actually employed and the number that the apparent discriminator would have employed if it had employed minorities/women at the average. This is the standard the Supreme Court has applied in cases of intentional discrimination. There is no single average in the study. For each occupation in each establishment, the average utilization varies depending on the number of qualified available workers in the labor market, industry and occupation. The average is not a quota—it is a fact, showing how similar employers have employed minorities and women in the same occupation under the same labor market and industrial circumstances.

The study addresses some of the most common employer explanations for such low levels of minority and female employment, such as women aren’t interested in the work, [they are doing the same work for other similar employers]; no qualified workers were available. [qualified workers were available because they were doing the same type of work for other employers.]

## **§6. THE BURDEN OF DISCRIMINATION**

What is the risk that a minority or woman will face discrimination because of their race, sex or national origin when seeking an employment opportunity? The study found that the probability of discrimination varied with the kind of job being sought. The table below describes the probability of discrimination by occupational category. The percentages apply each time a person sought an employment opportunity, be it employment, promotion, assignment, layoff, discharge or other employment related activities.

---

---

Risk of Discrimination because of race, sex, national origin each time a job opportunity is sought in the occupation.

	Blacks	Hispanics	Asian	Women
Officials and Managers	26.6%	21.8%	24.6%	18%
Professionals	27.6%	20.7%	30.8%	23%
Technical workers	29.1%	21.9%	30.2%	23%
Sales	39.5%	28.1%	27.3%	20%
Office and Clerical	31.8%	21.8%	26.4%	19%
Craft workers (skilled)	28.7%	27.1%	35.0%	37%
Operatives (semi skilled)	33.2%	33.4%	42.8%	38%
Laborers	34.9%	34.4%	43.6%	30%
Service workers	40.3%	34.0%	38.1%	19%
All comparisons	34.1%	35.0%	39.0%	23%

### **§7. BLACK WORKERS MOST SERIOUSLY AFFECTED**

Despite the initial focus of the Civil Rights Act on Black workers, and the improvement that has taken place since, Black workers still bear the severest brunt of this discrimination. They constitute less than half of all minority workers reported, but they were 57% of all workers affected by discrimination. Fifteen percent of all Black workers were so affected in 1999, while 11 % of both Hispanics and Asian Pacific workers were affected.

- Thirty five thousand business establishments discriminated against 586,000 Blacks. Ninety percent of these Black workers were affected by establishments that were so far below the average utilization that there was only a 1 in 100 chance that this happened by accident and half by "hard core" employers who had been discriminating for at least nine years.
  - Hispanic workers were 33% of minority workers reported, and they constituted 28% of those affected by discrimination or 283,000 workers.
  - Asian Pacific workers were 17% of the minorities, and 15% -- or nearly 150,000 -- of those affected by discrimination.
  - The data about Native American workers was too sparse to draw conclusions.
-



---

**§8. IMPROVEMENT IN PROPORTION OF MINORITIES AND WOMEN  
EMPLOYED BETWEEN 1975 AND 1999**

The bright spot in this study of intentional discrimination, is that between 1975 and 1999, minorities increased their participation in the labor force by 4.6 million workers beyond the increase resulting from economic growth; and women similarly increased their participation by 3.8 million workers. In absolute numbers, minorities went from 4 million workers in 1975 to more than 11 million in 1999; women went from 8 million workers in '75 to 17.5 million in 1999. More important, all groups increased their share of "better jobs" as officials, managers, professionals, technical and sales workers.

**§9. FORTY INDUSTRIES THAT WERE 'EQUAL OPPORTUNITY  
DISCRIMINATORS'**

The study identified 40 industries that were "equal opportunity discriminators," discriminating against more than 75% of the Black, Hispanic, Asian, and White Women workers affected by discrimination.

*[Continued on next page.]*

---

- The largest number of establishments discriminating against both minorities and women employed between 100 and 500 workers. 22,000 establishments of that size discriminated against minorities, 20,000 against women. These establishments contributed about half the intentional job discrimination against both minorities and women.
- Separate studies for each state and each metropolitan area where there is data are included in the nationwide study. "Discrimination, like politics, is essentially local," the study states. "We hope this material will be studied by

- The largest number of establishments discriminating against both minorities and women employed between 100 and 500 workers. 22,000 establishments of that size discriminated against minorities, 20,000 against women. These establishments contributed about half the intentional job discrimination against both minorities and women.

[illegible]

those interested in civil rights to try to address this discrimination in each state and metro area.”

### §10. AFFIRMATIVE ACTION STILL NECESSARY

The study concludes that intentional discrimination is still so pervasive that affirmative action programs continue to be necessary. “ It is impossible to address the 75,000 establishments through formal law enforcement efforts. Congress was right in 1964 to make voluntary action the preferred means of improving opportunity for minorities and women, and it was right when it reaffirmed that principle in 1991.” Affirmative action programs are intended to allow employers who have reason to be concerned that they might be discriminating to take steps to correct their practices.

The statistics from this study will be helpful to all groups concerned with employment discrimination, the Study concludes. Employers would like to know where they stand compared to others; enforcement agencies and courts may use the information and those interested in civil rights can measure progress using the data. However, the Blumrosens doubt that the Federal Government, under either a Republican or Democratic administration is likely to use the study in ways they have suggested.

To address the needs of employers and workers, the Blumrosens have incorporated as EEO1.Inc., to make information available without identifying the names and addresses of any employer. The Study will be published on the web site, EEO1.com. This site will also include a program, the Discrimination Calculator, to enable workers and their representatives to find the likelihood of discrimination in labor markets, industries and occupations of interest to them without cost. Employers who are interested in comparative data and others who are entitled to it, may consult EEO1.com to find out how to obtain such data.

### §11. RECOMMENDATIONS

1. **Employers** should demand access to information that will tell them where they stand compared to similar employers so that they can decide whether to take affirmative action; they should insist that they be free to take such action whenever the statistics warrant it. Industries that exhibit serious discrimination should establish programs to assist their members whose employment practices tarnish the industry reputation.
  2. **The Federal Government** should provide statistical information to employers so that they will know where they stand; adopt a five year enforcement program
-

---

based on the statistical analysis and incorporate state and local government efforts, focusing on the 40 and 206 industries identified in the Study, and seeking increased employment, leaving litigation over damages to the private bar. They should also extend the reporting requirement to all establishments with 50 or more employees.

3. **Congress** should mandate these federal programs, and provide additional funding to proceed against the 206 industries, and extend the reporting requirements to identify the age of employees, to facilitate enforcement of the age discrimination act.
  4. **The Federal Courts** should recognize the prevalence of intentional job discrimination in constitutional and statutory decisions on affirmative action; reconsider the assumption that employers are likely to adopt rigid programs without individualized proof that such was the case and recognize that intentional discrimination appears to reflect the unwillingness of roughly one third of establishments to work with people who are not "White."
  5. **State and Local Civil Rights Agencies** should secure EEO-1 data, urge interested groups to examine this study and initiate actions in their state based on the information. In addition, they should cooperate with the federal and other state agencies in enforcement programs; support affirmative action where statistics justify it, and encourage state and federal legislative leaders to address the prevalence of intentional discrimination as identified in this study.
  6. **Civil Rights and Women's organizations** should use this study in public discussions of discrimination; cooperate with each other in legislative and other public affairs because they have a mutual interest in eliminating job discrimination, particularly in the 40 industries that discriminate against all the groups they represent; evaluate government programs more by how many jobs are obtained and less by how many cases are processed, or how many dollars individual workers obtain; demand a focused set of governmental programs to address the 40/206 industries, and support expansion of the EEO-1 reports to the age act and all establishments of 50 or more workers.
  7. **Lawyers for both workers and employers** should develop a fair arbitration system for dealing with individual discrimination cases, so that resources can be focused on patterns or practices of discrimination.
  8. **Universities, colleges, high schools and research oriented institutions** should make use of this study in research activities, and should integrate this study into the work of other disciplines concerned with labor relations and human behavior.
-

---

**§12. ENDNOTES**

- 
1. Interview on “60 Minutes” by Mike Wallace, Aug. 2, 1998, transcript, p. 22.
  2. Sec. 703 (m) of Title VII.

<p style="text-align: center;"><b>CHAPTER 15</b> <b>DISCRIMINATION BY INDUSTRIES –</b> <b>FORTY, TWO HUNDRED SIX, AND A PEEK AT THE FUTURE</b></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------

CHAPTER 15 DISCRIMINATION BY INDUSTRIES – FORTY, TWO HUNDRED SIX, AND A PEEK AT THE FUTURE .....	201
§1. <i>The Forty Industries that discriminate extensively against Women, Blacks, Hispanics and Asians.</i> .....	202
§2. <i>The Two Hundred and Six industries that discriminate extensively against Women, Black and Hispanic workers.</i> .....	203
§3. <i>A Peek at the Future</i> .....	209

Establishments where people work have been the central focus of industries in this report. No matter how centralized management may be, serious employment decisions almost always involve the input of local management; the extent of control that a multi-establishment firm exercises will depend on many different factors, some of which involve the personalities of managers at the establishment and in headquarters. Future research may examine these issues. The national part of this study will end with the identification of those industries that, establishment by establishment, have contributed to virtually all of the affected workers who have been identified. Those who examine the individual group reports in Part II of this study, or the State Reports in Part III, will recognize many of these industries because they appear prominently in those reports as well.

*[Continued on next page.]*

### Table 1. Forty Biggest Industries with Intentional Job Discrimination

FORTY INDUSTRIES' INTENTIONAL DISCRIMINATION* AGAINST WOMEN, BLACKS, HISPANICS, AND ASIANS, SHOWING AFFECTED WORKERS** AND DISCRIMINATION RISK BY INDUSTRY***										
SIC	Industry	WOMEN		BLACKS		HISPANICS		ASIANS		AFFECTED WORKERS
		#	% Risk	#	%Risk	#	%Risk	#	%Risk*	
806	Hospitals	63,908	21%	89,314	41%	19,562	22%	23,719	36%	196,503
581	Eating and Drinking Places	35,370	19%	55,691	43%	43,702	40%	3,530	40%	138,193
531	Department Stores	42,271	22%	50,959	37%	20,615	29%	5,414	31%	119,259
541	Grocery Stores	28,253	14%	53,333	41%	20,681	33%	1,559	24%	103,827
805	Nursing and Personal Care Facilities	13,865	14%	39,429	35%	7,247	34%	5,508	34%	66,049
737	Computer and Data Processing Services	31,114	26%	8,206	28%	1,986	27%	16,637	36%	57,943
701	Hotels and Motels	13,127	17%	17,960	29%	18,651	25%	6,471	32%	56,208
481	Telephone Communication	29,394	30%	19,857	32%	3,654	25%	2,886	33%	55,791
602	Commercial Banks	18,673	18%	20,131	37%	4,006	23%	4,821	30%	47,632
371	Motor Vehicles and Equipment	18,084	32%	14,470	36%	3,206	32%	1,732	37%	37,492
367	Electronic Components and Accessories	11,965	26%	3,001	33%	5,808	23%	11,748	35%	32,522
421	Trucking & Courier Services, Ex. Air	10,119	42%	15,842	35%	5,304	26%	501	32%	31,766
451	Air Transportation, Scheduled	15,651	32%	8,597	30%	4,057	22%	2,768	33%	31,073
308	Miscellaneous Plastics Products	11,109	33%	4,662	33%	7,216	36%	2,559	49%	25,547
514	Groceries and Related Products	11,184	32%	4,783	34%	6,077	32%	534	36%	22,577
809	Health and Allied Services	10,329	21%	6,767	35%	2,063	29%	1,478	32%	20,638
633	Fire, Marine, and Casualty Insurance	7,858	18%	4,012	22%	772	20%	754	32%	13,395
632	Medical Service and Health Insurance	5,733	19%	5,751	28%	914	21%	944	26%	13,341
372	Aircraft and Parts	5,901	29%	1,443	34%	2,611	17%	2,497	35%	12,453
357	Computer and Office Equipment	5,814	27%	1,310	28%	1,066	21%	4,170	32%	12,360
594	Miscellaneous Shopping Goods Stores	6,186	30%	3,216	36%	1,888	33%	619	28%	11,909
621	Security Brokers and Dealers	7,506	21%	2,277	29%	817	23%	1,122	21%	11,723
384	Medical Instruments and Supplies	5,474	25%	1,012	27%	1,821	27%	2,995	31%	11,301
871	Engineering & Architectural Services	6,487	23%	1,792	25%	715	18%	2,235	25%	11,229
504	Professional & Commercial Equipment	6,440	26%	1,984	26%	977	25%	1,632	29%	11,033
366	Communications Equipment	4,500	25%	1,269	20%	978	20%	3,839	36%	10,585
283	Drugs	5,301	23%	1,718	25%	1,185	24%	2,301	31%	10,504
801	Offices & Clinics Of Medical Doctors	4,936	19%	2,987	33%	1,028	22%	1,419	27%	10,370
275	Commercial Printing	4,869	29%	1,984	31%	1,486	31%	878	43%	9,216
201	Meat Products	2,286	32%	1,720	33%	3,517	28%	916	58%	8,439
641	Insurance Agents, Brokers, & Service	3,943	19%	2,768	30%	756	25%	756	25%	8,222
349	Misc. Fabricated Metal Products	3,440	35%	1,511	30%	1,683	29%	835	39%	7,469
836	Residential Care	2,481	21%	3,449	33%	854	28%	378	35%	7,163
267	Misc. Converted Paper Products	3,505	33%	1,511	30%	1,516	33%	456	44%	6,988
344	Fabricated Structural Metal Products	2,242	37%	1,660	33%	2,476	32%	511	48%	6,888
489	Communication Services	2,530	30%	1,322	27%	1,474	29%	1,474	29%	6,800
271	Newspapers	2,924	19%	2,094	37%	1,016	26%	337	31%	6,372
501	Motor Vehicles, Parts, and Supplies	2,579	29%	1,354	30%	1,010	31%	1,010	31%	5,953
209	Misc. Food and Kindred Products	2,024	32%	1,119	35%	2,091	25%	695	43%	5,930
225	Knitting Mills	1,396	34%	1,043	34%	700	46%	414	59%	3,553
Total affected workers		470,773		463,206		207,186		125,052		1,266,217
31% reduction for minority women included in Women totals		(145,940)								1,120,277
Percent of all affected Workers		75%		79%		73%		84%		77%
* Discrimination 1.65 or more standard deviations.										
**Affected Workers are the difference between employment in same labor market and occupation at 2 or more standard deviations below average, and number who would have been employed if establishment had employed at the average.										
***Risk based on proportion of comparisons of establishments in same labor market and occupation.										

## §2. THE TWO HUNDRED AND SIX INDUSTRIES THAT DISCRIMINATE EXTENSIVELY AGAINST WOMEN, BLACK AND HISPANIC WORKERS.

It is not extraordinary to find Women discriminated against when Blacks are, because women constitute 55% of Black workers; nor is it extraordinary to find women discriminated against when Hispanics are, because they constitute 43% of Hispanic Workers. It is extraordinary to find that most of the industries that discriminate against one or the other discriminate against both! We believe that this finding has implications for enforcement of EEO laws, and for the relationship between those who focus on the activities of civil rights groups.

**Table 2. 206 Industries that Intentionally Discriminate against Women, Black & Hispanic Workers**

TWO HUNDRED & SIX INDUSTRIES' INTENTIONAL JOB DISCRIMINATION* AGAINST WOMEN, BLACKS, & HISPANIC WORKERS, RANKED BY TOTAL NUMBER OF AFFECTED WORKERS**, SHOWING RISK OF DISCRIMINATION IN THE INDUSTRY*** & AFFECTED WORKERS IN EACH GROUP. ****								
SIC	INDUSTRY	WOMEN		BLACKS		HISPANICS		AFFECTED WORKERS
		#	Rsk	#	Rsk	#	Rsk	
806	Hospitals	63,908	21%	89,314	41%	19,562	22%	172,784
581	Eating & Drinking Places	35,370	19%	55,591	43%	43,702	40%	134,663
531	Department Stores	42,271	22%	50,959	37%	20,615	29%	113,845
541	Grocery Stores	28,253	14%	53,333	41%	20,681	33%	102,267
805	Nursing & Personal Care Facilities	13,865	14%	39,429	35%	7,247	34%	60,541
481	Telephone Communication	29,394	30%	19,857	32%	3,654	25%	52,905
701	Hotels & Motels	13,127	17%	17,960	29%	18,651	25%	49,737
602	Commercial Banks	18,673	18%	20,131	37%	4,006	23%	42,811
737	Computer & Data Processing Svcs.	31,114	26%	8,206	28%	1,986	27%	41,306
371	Motor Vehicles & Equip.	18,084	32%	14,470	36%	3,206	32%	35,760
421	Trucking & Courier Svcs., Ex. Air	10,119	42%	15,842	35%	5,304	26%	31,265
451	Air Transport., Scheduled	15,651	32%	8,597	30%	4,057	22%	28,305
308	Miscellaneous Plastics Prods.	11,109	33%	4,662	33%	7,216	35%	22,987
514	Groceries & Related Prods.	11,184	32%	4,783	34%	6,077	32%	22,043
367	Electronic Components & Acc.	11,965	26%	3,001	33%	5,808	23%	20,774
809	Health & Allied Svcs.	10,329	21%	6,767	35%	2,063	29%	19,160
533	Variety Stores	5,326	17%	9,924	34%	2,638	24%	17,888
633	Fire, Marine, & Casualty Ins.	7,858	18%	4,012	22%	772	20%	12,641
632	Med. Service & Health Ins.	5,733	19%	5,751	28%	914	21%	12,397
873	Research & Testing Svcs.	9,130	28%	1,926	27%	589	23%	11,645
594	Miscellaneous Shopping Goods Stores	6,186	30%	3,216	36%	1,888	33%	11,290
621	Security Brokers & Dealers	7,506	21%	2,277	29%	817	23%	10,600
372	Aircraft & Parts	5,901	29%	1,443	34%	2,611	17%	9,955



TWO HUNDRED & SIX INDUSTRIES' INTENTIONAL JOB DISCRIMINATION* AGAINST WOMEN, BLACKS, & HISPANIC WORKERS, RANKED BY TOTAL NUMBER OF AFFECTED WORKERS**, SHOWING RISK OF DISCRIMINATION IN THE INDUSTRY*** & AFFECTED WORKERS IN EACH GROUP. ****								
SIC	INDUSTRY	WOMEN		BLACKS		HISPANICS		AFFECTED WORKERS
		#	Rsk	#	Rsk	#	Rsk	
521	Lumber & Other Building Materials	1,973	14%	5,551	37%	1,942	28%	9,466
504	Professional & Commercial Equip.	6,440	26%	1,984	26%	977	25%	9,401
871	Engineering & Architectural Svcs.	6,487	23%	1,792	25%	715	18%	8,994
801	Offices & Clinics Of Med. Doctors	4,936	19%	2,987	33%	1,028	22%	8,951
275	Commercial Printing	4,869	29%	1,984	31%	1,486	31%	8,339
384	Med. Instruments & Supplies	5,474	25%	1,012	27%	1,821	27%	8,307
631	Life Ins.	4,649	25%	2,972	31%	606	25%	8,227
283	Drugs	5,301	23%	1,718	25%	1,185	24%	8,204
357	Computer & Office Equip.	5,814	27%	1,310	28%	1,066	21%	8,190
422	Public Warehousing & Storage	4,285	40%	2,414	28%	1,482	35%	8,181
201	Meat Prods.	2,286	32%	1,720	33%	3,517	28%	7,523
641	Ins. Agents, Brokers, & Service	3,943	19%	2,768	30%	756	25%	7,466
751	Automotive Rentals, No Drivers	2,813	31%	2,805	31%	1,351	32%	6,968
836	Residential Care	2,481	21%	3,449	33%	854	28%	6,784
366	Communications Equip.	4,500	25%	1,269	20%	978	20%	6,747
491	Electric Svcs.	3,814	28%	2,295	29%	533	18%	6,641
811	Legal Svcs.	4,246	18%	1,874	21%	519	20%	6,639
267	Misc. Converted Paper Prods.	3,505	33%	1,511	30%	1,516	33%	6,532
832	Individual & Family Svcs.	1,636	19%	3,630	35%	1,137	32%	6,402
344	Fabricated Structural Metal Prods.	2,242	37%	1,660	33%	2,476	32%	6,377
205	Bakery Prods.	2,956	38%	1,677	32%	1,733	26%	6,365
349	Misc. Fabricated Metal Prods.	3,440	35%	1,174	33%	1,683	29%	6,297
346	Metal Forgings & Stampings	2,498	37%	2,338	40%	1,382	26%	6,218
808	Home Health Care Svcs.	1,535	15%	3,465	32%	1,077	35%	6,076
271	Newspapers	2,924	19%	2,094	37%	1,016	26%	6,035
208	Beverages	2,381	35%	2,004	25%	1,541	24%	5,925
382	Measuring & Controlling Devices	4,316	26%	706	28%	799	24%	5,821
872	Accounting, Auditing, & Bookkeeping	4,123	18%	1,081	22%	156	19%	5,360
489	Communication Svcs.	2,530	30%	1,322	27%	1,474	29%	5,326
209	Misc. Food & Kindred Prods.	2,024	32%	1,119	35%	2,091	25%	5,235
864	Civic & Social Associations	1,207	16%	3,019	47%	865	30%	5,091
539	Misc. General mdse. Stores	1,559	15%	2,170	33%	1,354	22%	5,082
501	Motor Vehicles, Parts, & Supplies	2,579	29%	1,354	30%	1,010	31%	4,943
265	Paperboard Containers & Boxes	2,094	35%	1,384	26%	1,434	27%	4,911
203	Preserved Fruits & Vegetables	1,938	32%	478	34%	2,469	25%	4,885
415	School Buses	1,413	25%	2,670	52%	596	49%	4,680
484	Cable & Other Pay TV Svcs.	1,366	19%	2,536	36%	658	20%	4,559
331	Blast Furnace & Basic Steel Prods.	1,145	41%	1,758	35%	1,537	30%	4,441
251	Household Furniture	1,888	24%	1,104	32%	1,261	43%	4,252

\*

TWO HUNDRED & SIX INDUSTRIES' INTENTIONAL JOB DISCRIMINATION* AGAINST WOMEN, BLACKS, & HISPANIC WORKERS, RANKED BY TOTAL NUMBER OF AFFECTED WORKERS**, SHOWING RISK OF DISCRIMINATION IN THE INDUSTRY*** & AFFECTED WORKERS IN EACH GROUP. ****								
SIC	INDUSTRY	WOMEN		BLACKS		HISPANICS		AFFECTED WORKERS
		#	Rsk	#	Rsk	#	Rsk	
596	Nonstore Retailers	2,054	32%	1,319	35%	755	34%	4,128
506	Electrical Goods	2,664	26%	618	25%	768	23%	4,050
573	Radio, TV, & Computer Stores	1,341	18%	1,914	27%	678	22%	3,932
356	General Industrial Machinery	2,189	32%	617	29%	1,011	30%	3,817
591	Drug Stores & Proprietary Stores	925	11%	2,021	40%	816	32%	3,761
653	Real Estate Agents & Managers	1,744	26%	1,096	33%	856	33%	3,696
833	Job Training & Related Svcs.	1,250	22%	1,902	37%	418	34%	3,570
284	Soap, Cleaners, & Toilet Goods	1,875	30%	900	28%	698	23%	3,473
483	Radio & TV Broadcasting	1,340	15%	940	20%	1,131	24%	3,411
565	Family Clothing Stores	1,175	20%	1,577	40%	619	28%	3,371
364	Electric Lighting & Wiring Equip.	1,699	31%	664	35%	1,008	29%	3,371
458	Airports, Flying Fields, & Svcs.	1,089	34%	1,253	33%	982	31%	3,325
225	Knitting Mills	1,396	34%	1,043	34%	700	46%	3,139
508	Machinery, Equip., & Supplies	1,884	29%	404	28%	790	24%	3,077
154	Nonresidential Building Construction	915	28%	719	25%	1,415	31%	3,049
401	Railroads	567	38%	1,640	27%	833	31%	3,040
783	Motion Picture Theaters	402	12%	1,747	42%	882	42%	3,032
616	Mortgage Bankers & Brokers	1,255	19%	1,314	26%	411	20%	2,981
162	Heavy Construction, except Highway	364	33%	850	33%	1,675	29%	2,889
358	Refrigeration & Service Machinery	1,455	32%	724	33%	694	23%	2,874
732	Credit Reporting & Collection	1,019	25%	1,454	39%	284	36%	2,757
335	Nonferrous Rolling & Drawing	1,252	32%	642	36%	701	28%	2,595
354	Metalworking Machinery	1,635	31%	571	32%	329	31%	2,536
551	New & Used Car Dealers	794	14%	686	20%	1,015	20%	2,495
495	Sanitary Svcs.	330	31%	1,186	28%	967	27%	2,483
615	Business Credit Institutions	1,076	19%	1,110	34%	257	19%	2,443
569	Misc. Apparel & Accessory Stores	693	14%	1,226	32%	521	28%	2,441
839	Social Svcs.	674	21%	1,498	36%	267	21%	2,439
138	Oil & Gas Field Svcs.	849	30%	450	31%	864	22%	2,163
733	Mailing, Reproduction, Stenographic	1,039	27%	634	31%	401	33%	2,074
362	Electrical Industrial Apparatus	1,122	24%	418	35%	519	25%	2,059
571	Furniture & Homefurnishings Stores	1,014	23%	753	31%	261	31%	2,027
282	Plastics Materials & Synthetics	1,263	24%	595	21%	160	40%	2,017
369	Misc. Electrical Equip. & Supplies	1,033	24%	459	32%	498	25%	1,990
327	Concrete, Gypsum, & Plaster Prods.	136	31%	592	33%	1,253	26%	1,981
807	Med. & Dental Laboratories	960	21%	704	32%	308	19%	1,972
272	Periodicals	1,257	22%	588	30%	57	32%	1,902
202	Dairy Prods.	1,036	42%	344	33%	518	31%	1,899
206	Sugar & Confectionery Prods.	662	28%	440	38%	765	22%	1,866

\*

TWO HUNDRED & SIX INDUSTRIES' INTENTIONAL JOB DISCRIMINATION* AGAINST WOMEN, BLACKS, & HISPANIC WORKERS, RANKED BY TOTAL NUMBER OF AFFECTED WORKERS**, SHOWING RISK OF DISCRIMINATION IN THE INDUSTRY*** & AFFECTED WORKERS IN EACH GROUP. ****								
SIC	INDUSTRY	WOMEN		BLACKS		HISPANICS		AFFECTED WORKERS
		#	Rsk	#	Rsk	#	Rsk	
332	Iron & Steel Foundries	495	37%	732	31%	589	33%	1,816
603	Savings Institutions	693	17%	983	31%	113	23%	1,789
511	Paper & Paper Prods.	1,056	25%	384	20%	270	23%	1,710
492	Gas Production & Distribution	803	22%	674	28%	228	20%	1,705
228	Yarn & Thread Mills	681	27%	611	32%	402	49%	1,694
373	Ship & Boat Building & Repairing	354	38%	1,217	39%	96	21%	1,667
131	Crude Petroleum & Natural Gas	1,100	24%	370	25%	90	25%	1,561
614	Personal Credit Institutions	636	20%	751	34%	134	21%	1,521
274	Miscellaneous Publishing	930	21%	432	27%	131	24%	1,493
239	Misc. Fabricated Textile Prods.	525	26%	228	36%	727	35%	1,480
493	Combination Utility Svcs.	811	24%	517	23%	147	17%	1,474
355	Special Industry Machinery	685	29%	323	31%	465	31%	1,473
281	Industrial Inorganic Chemicals	830	25%	483	19%	158	32%	1,471
512	Drugs, Proprietaries, & Sundries	1,036	24%	216	22%	178	33%	1,431
342	Cutlery, Handtools, & Hardware	731	34%	209	31%	476	32%	1,416
513	Apparel, Piece Goods, & Notions	957	28%	167	31%	275	29%	1,399
336	Nonferrous Foundries (castings)	500	34%	415	43%	481	23%	1,397
243	Millwork, Plywood & Structural Members	483	27%	288	42%	615	40%	1,386
507	Hardware, Plumbing & Heating Equip.	779	30%	292	27%	289	24%	1,360
273	Books	893	22%	341	29%	111	25%	1,344
173	Electrical Work	451	36%	499	27%	354	20%	1,304
252	Office Furniture	664	22%	183	27%	444	28%	1,291
862	Professional Organizations	671	20%	553	29%	41	24%	1,265
473	Freight Transport. Arrangement	553	21%	444	33%	225	25%	1,222
222	Broadwoven Fabric Mills, Manmade	479	29%	646	25%	71	55%	1,196
351	Engines & Turbines	868	47%	275	27%	40	15%	1,183
411	Local & Suburban Transport.	436	27%	516	34%	222	25%	1,175
518	Beer, Wine, & Distilled Beverages	303	23%	263	23%	571	24%	1,137
262	Paper Mills	744	28%	246	21%	135	15%	1,124
353	Construction & Related Machinery	427	22%	325	32%	365	25%	1,116
636	Title Ins.	584	20%	311	33%	171	17%	1,067
781	Motion Picture Production & Svcs.	702	29%	115	14%	240	19%	1,057
171	Plumbing, Heating, Air-conditioning	156	26%	293	22%	586	30%	1,035
359	Industrial Machinery	589	33%	118	34%	327	42%	1,034
394	Toys & Sporting Goods	518	30%	91	31%	393	24%	1,001
472	Passenger Transport. Arrangement	625	20%	266	31%	104	28%	995
345	Screw Machine Prods., Bolts, Etc.	567	30%	223	31%	198	24%	987
291	Petroleum Refining	683	25%	186	19%	100	14%	969
161	Highway & Street Construction	88	20%	310	23%	540	28%	939

TWO HUNDRED & SIX INDUSTRIES' INTENTIONAL JOB DISCRIMINATION* AGAINST WOMEN, BLACKS, & HISPANIC WORKERS, RANKED BY TOTAL NUMBER OF AFFECTED WORKERS**, SHOWING RISK OF DISCRIMINATION IN THE INDUSTRY*** & AFFECTED WORKERS IN EACH GROUP. ****								
SIC	INDUSTRY	WOMEN		BLACKS		HISPANICS		AFFECTED WORKERS
		#	Rsk	#	Rsk	#	Rsk	
306	Fabricated Rubber Prods.	530	39%	200	40%	193	48%	923
361	Electric Distribution Equip.	614	27%	166	27%	118	21%	898
204	Grain Mill Prods.	429	33%	246	26%	218	26%	893
599	Retail Stores	492	24%	182	35%	208	29%	883
347	Metal Svcs.	301	36%	189	37%	336	38%	827
289	Miscellaneous Chemical Prods.	413	25%	300	27%	111	33%	824
386	Photographic Equip. & Supplies	741	40%	65	19%	9	42%	816
365	Household Audio & Video Equip.	258	27%	144	26%	411	14%	813
559	Automotive Dealers	173	17%	287	31%	346	18%	806
322	Glass & Glassware, Pressed Or Blown	446	29%	225	30%	114	24%	784
672	Investment Offices	625	27%	122	17%	35	13%	782
232	Men's & Boys' Furnishings	448	28%	116	31%	213	24%	777
671	Holding Offices	541	25%	203	28%	32	28%	776
381	Search & Navigation Equip.	501	21%	70	17%	152	13%	723
655	Subdividers & Developers	298	21%	244	34%	151	29%	694
606	Credit Unions	248	16%	288	24%	157	20%	692
285	Paints & Allied Prods.	332	29%	225	23%	127	23%	684
516	Chemicals & Allied Prods.	279	28%	238	33%	126	44%	643
261	Pulp Mills	334	33%	77	33%	214	27%	625
794	Commercial Sports	230	28%	208	35%	174	40%	612
233	Women's & Misses' Outerwear	257	20%	63	21%	289	29%	609
152	Residential Building Construction	343	17%	53	18%	209	24%	605
554	Gasoline Service Stations	106	14%	189	38%	306	31%	600
343	Plumbing & Heating, except Electric	266	36%	140	44%	189	24%	595
505	Metals & Minerals, except Petroleum	155	18%	229	27%	209	27%	593
227	Carpets & Rugs	277	30%	173	32%	139	48%	589
866	Religious Organizations	231	16%	272	33%	85	23%	588
376	Guided Missiles, Space Vehicles, Parts	292	28%	69	16%	211	14%	573
841	Museums & Art Galleries	237	21%	229	34%	93	27%	560
423	Trucking Terminal Facilities	62	47%	325	20%	171	34%	558
286	Industrial Organic Chemicals	311	23%	152	14%	37	32%	499
863	Labor Organizations	218	22%	264	31%	16	20%	498
363	Household Appliances	184	39%	220	50%	92	39%	496
211	Cigarettes	223	30%	192	25%	46	17%	462
502	Furniture & Homefurnishings	214	28%	47	17%	199	25%	460
341	Metal Cans & Shipping Containers	147	36%	150	34%	153	29%	451
305	Hose & Belting & Gaskets & Packing	246	37%	100	31%	89	29%	436
762	Electrical Repair Shops	140	30%	191	29%	76	31%	407
229	Miscellaneous Textile Goods	178	31%	167	22%	57	58%	403

Black & Hispanic Women = 26% of Women. Total affected workers reduced by 162,084 to avoid overlap.

The Bureau of Labor Statistics in the Department of Labor has predicted when the job growth will be the greatest between 1999 and 2008.

Table 3. Medical, Drug and Health Related Industries.

MEDICAL, DRUG AND HEALTH RELATED INDUSTRIES' INTENTIONAL JOB DISCRIMINATION** AGAINST WOMEN, BLACK, HISPANIC, AND ASIANS, SHOWING AFFECTED WORKERS*** AND RISK OF DISCRIMINATION BY INDUSTRY****										
SIC	INDUSTRY	WOMEN		BLACKS		HISPANICS		ASIAN PAC		AFFECTED WORKERS
		#	Rsk	#	Rsk	#	Rsk	#	Rsk	
806	Hospitals	63,908	21%	89,314	41%	19,562	22%	23,719	36%	196,503
805	Nurs. & Prsnl Care Fac.	13,865	14%	39,429	35%	7,247	34%	5,508	34%	66,049
809	Health & Allied Services	10,329	21%	6,767	35%	2,063	29%	1,478	32%	20,638
632	Med. Srvc & Health Ins.	5,733	19%	5,751	28%	914	21%	944	26%	13,341
384	Med. Instrumnts & Sppls	5,474	25%	1,012	27%	1,821	27%	2,995	31%	11,301
283	Drugs	5,301	23%	1,718	25%	1,185	24%	2,301	31%	10,504
801	Offices & Clinics Of MDs	4,936	19%	2,987	33%	1,028	22%	1,419	27%	10,370
836	Residential Care	2,481	21%	3,449	33%	854	28%	2,378	35%	9,162
808	Home Health Care Svcs	1,535	15%	3,465	32%	1,077	35%	183	30%	6,259
591	Drug & Proprietary Stores	925	11%	2,021	40%	816	32%	363	26%	4,124
512	Drugs, Proprietaries & Sundries	1,036	24%	216	22%	178	33%	164	33%	1,595
807	Med. & Dental Laboratories	960	21%	704	32%	308	19%	620	32%	2,592
835	Child Day Care Services	38	16%	158	44%	87	27%	26	35%	310
Affected Workers in above SICs		116,522		156,990		37,140		42,096		352,748
*31% reduction in women's total to avoid overlap with minority women who are included in minority totals										(36,122)
									*	316,626
<b>All affected workers</b>		628,395		586,711		283,150		149,214	*	1,611,348
<b>% of total affected workers</b>		19%		27%		13%		28%		20%

\*\* Discrimination 1.65 or more standard deviations.

\*\*\*Affected Workers are the difference between employment in same labor market and occupation at 2 or more standard deviations below average, and number who would have been employed if establishment had employed at the average.

\*\*\*\*Risk based on proportion of comparisons of establishments in same labor market, industry and occupation.

**TWENTY PERCENT OF ALL AFFECTED WORKERS ARE IN THESE MEDICAL, DRUG AND HEALTH RELATED INDUSTRIES. THESE ARE AMONG THE FASTEST GROWING INDUSTRIES.**

**IN 1999, THE BUREAU OF LABOR STATISTICS PREDICTED JOB GROWTH IN THIS GROUP OF INDUSTRIES AT MORE THAN 1,400,000 WORKERS BY YEAR 2008. See Statistical Abstract of US. 2001, Table 594 at p. 383**

**Table 4. Computer Related Industries**

<b>COMPUTER RELATED INDUSTRIES: INTENTIONAL JOB DISCRIMINATION** AGAINST WOMEN, BLACK, HISPANIC, AND ASIANS, SHOWING AFFECTED WORKERS*** AND RISK OF DISCRIMINATION BY INDUSTRY****</b>										
		<b>WOMEN</b>		<b>BLACKS</b>		<b>HISPANICS</b>		<b>ASIAN PAC</b>		<b>AFFECTED WORKERS</b>
<b>SIC</b>	<b>INDUSTRY</b>	<b>#</b>	<b>Rsk</b>	<b>#</b>	<b>Rsk</b>	<b>#</b>	<b>Rsk</b>	<b>#</b>	<b>Rsk</b>	
737	Computer and Data Processing Services	31,114	26%	8,206	28%	1,986	27%	16,637	36%	57,943
357	Computer and Office Equipment	5,814	27%	1,310	28%	1,066	21%	4,170	32%	12,360
		<b>36,928</b>		<b>9,516</b>		<b>3,052</b>		<b>20,807</b>		<b>70,303</b>
*31% reduction in women's total to avoid overlap with minority women who are included in minority totals										<b>-11,448</b>
										<b>58,855</b>
** Discrimination 1.65 or more standard deviations.										
***Affected Workers are the difference between employment in same labor market and occupation at 2 or more standard deviations below average, and number who would have been employed if establishment had employed at the average.										
****Risk based on proportion of comparisons of establishments in same labor market, industry and occupation.										
<b>THESE ARE AMONG THE FASTEST GROWING INDUSTRIES.</b>										
<b>IN 1999, THE BUREAU OF LABOR STATISTICS PREDICTED JOB GROWTH IN THIS GROUP</b>										
<b>OF INDUSTRIES AT MORE THAN 1,700,000 WORKERS BY YEAR 2008.</b>										
<b>See Statistical Abstract of US, 2001, Table 594 at p. 383</b>										
The small number of affected workers, compared to the medical, drug and health industries, may reflect recruiting problems during the industry's development. The methodology of this study cannot address claims of discrimination in recruitment or hiring until the industry itself has employed sufficient numbers of minorities or women to enable those establishments 2 or more standard deviations below the average to be identified. See Part 1, Ch. 5, Sec. 1.										

Whether the job growth in these industries will be more cognizant of the knowledge, skills and abilities of the "affected workers" will depend in part on the actions of the government and employers that are discussed in the next chapter.